

Appl. No. 10/003,911
Amdt. Dated December 11, 2003
Reply of Office action of August 15, 2003

Remarks

Claims 1 – 28 are pending in the instant application. Please cancel claims 9, 10, 14, 18, 21, and 24 without disclaimer or prejudice. Claims 1, 19, and 20 have been amended to further recite that the first and second servo motors can provide a torque of at least about 50 Newton-meter and the first and second servo motors and the first and second electronic drives can cooperatively provide an angular acceleration of at least about 600 radian/sec² to the first and second transfer pucks. Support for these amendments appears throughout the specification, and in particular at page 27, lines 15 – 16, and at page 27, lines 23 – 25. In addition, claims 19, 20, and 28 have been amended to clarify that which is claimed and to conform claim dependency in view of the claim amendments and cancellations. Support for these amendments appears throughout the specification, and in particular at page 21, lines 22 – 33 and in Fig. 2. Accordingly, claims 1 – 8, 11 – 13, 15 - 17, 19, 20, 22, 23 and 25 – 28 form the subject matter of the response. No new matter is added by these amendments. Based on the amendments and remarks made herein, Applicants respectfully requests that the rejections be withdrawn and that the application be passed to allowance.

Claim Objections

In the Office Action dated August 15, 2003, the Examiner provisionally objected to claims 18 and 21. Applicants have canceled claims 18 and 21 thereby obviating the provisional objection.

Rejections Under 35 U.S.C. §112, Second Paragraph

In the Office Action dated August 15, 2003, the Examiner rejects claims 19 - 28 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regard as the invention. This rejection is respectfully traversed to the extent that it may apply to the presently presented claims.

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Applicants respectfully submit that the amendments to claims 19 and 20 overcome the Examiner's rejection. As such, Applicants respectfully request that the rejection under 35 U.S.C. §112, second paragraph be withdrawn.

Rejections Under 35 U.S.C. §102(b)

Meyer Does Not Disclose Each and Every Element of the Claims, as amended.

In the Office Action dated August 15, 2003, the Examiner rejects claims 1 – 7, 15, 16, 18 – 21, 25 and 28 under 35 U.S.C § 102(b) as allegedly being anticipated by European Patent Application EP 0 812 789 A2 published December 17, 1997 by Meyer (hereinafter "Meyer"). This rejection is respectfully traversed to the extent that it may apply to the presently presented claims.

In order to be anticipatory, a reference must explicitly or implicitly disclose each and every element of the claimed invention. As noted above, claims 18 and 21 have been canceled. Independent Claims 1, 19, and 20 have been amended to further recite that the first and second servo motors can provide a torque of at least about 50 Newton-meter and that the first and second electronic drives can cooperatively provide an angular acceleration of at least about 600 radian/sec² to the first and second transfer pucks.

On page 5 of the Office Action dated August 15, 2003, the Examiner recognizes that Meyer fails to disclose (either explicitly or implicitly) these element of the invention, stating that "Meyer teaches all claimed elements/steps, with the exceptions of the particular capabilities of the servo motors (i.e. a torque of 50 Mewton-meter [*sic*, Newton-meter]) and the parameters of the deposit/pickup steps (i.e. dwell times, speed ratios, and accelerations)." As such, Applicants submit that independent claims 1, 19, and 20 are not anticipated by Meyer. Accordingly, claims 2 – 7, 15 and 16, which all eventually depend from claim 1, and claims 25 and 28, which depend from claims 19 and 20, respectively, are all also similarly not anticipated by Meyer. Based on the foregoing, Applicants respectfully request that the rejection under 35 U.S.C. §102(b) be withdrawn.

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Rejections Under 35 U.S.C. § 103(a)

The combination of Meyer and Blumenthal does not teach or suggest all of the claim limitations.

In the Office Action mailed August 15, 2003, the Examiner rejects claims 8 – 14, 17, 22 – 24, 26 and 27 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Meyer in view of U.S. Patent No. 6,450,321 B1 issued September 17, 2002 to Blumenthal (hereinafter "Blumenthal"). This rejection is respectfully traversed to the extent that they apply to the presently presented claims.

In order to establish a *prima facie* case of obviousness, three basic criteria must be met: (1) there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings; (2) there must be a reasonable expectation of success; and (3) the prior art reference (or references when combined) must teach or suggest all the claim limitations. MPEP §2143.

Claims 9, 10 and 14 have been canceled and the limitations thereof incorporated into claim 1. Similarly, claim 24 has been canceled and the limitations thereof incorporated into claim 19 and 20, along with the limitations of claim 14.

The Examiner, on page 5 of the Office Action dated August, 15, 2003, asserts that "Meyer teaches all the claimed elements/steps, with the exceptions of the particular capabilities of the servo motors...and the parameters of the deposit/pickup steps." Nonetheless, the Examiner believes that "the servo motor capabilities and the operating parameters of the apparatus are...obvious matters of choice," and further that Blumenthal "goes into great detail about the capabilities of servomotors...[t]o utilize at least some of the teachings of Blumenthal to program the programmable controller of Meyer would have been obvious to one having ordinary skill in the art." Applicants respectfully disagree.

Independent claim 1 is directed to an apparatus for applying discrete components onto a moving substrate. Claims 19 and 20 are directed to methods for applying discrete components onto a moving substrate. Claims 1, 19, and 20 include, *inter alia* a first servo motor that can provide a torque of at least about 50 Newton-meter, a second servo motor that can provide a

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torque of at least about 50 Newton-meter, electronic drives connected to the servo motors where the servo motors and the drives can cooperatively provide an angular acceleration of at least about 600 radian/sec² to the first and second transfer pucks.

As the Examiner acknowledges, Meyer does not teach or suggest the use of a servo motor that can provide a torque of at least about 50 Newton-meter, or providing an angular acceleration of at least about 600 radian/sec² to the transfer pucks. Moreover, Blumenthal fails to correct the deficiencies of Meyer. While the Examiner asserts that Blumenthal “[goes] into great detail about the capabilities of servomotors,” and that it would have been obvious “[t]o utilize at least some of the teachings of Blumenthal et al.” Blumenthal also does not teach or suggest any particular torque or angular acceleration. Instead, Blumenthal merely discloses formulae for determining the torque of a system using a servomotors and formulae for determining the angular acceleration of a system, but fails to teach or suggest any particular level of torque or angular acceleration. Thus, the combination of Meyer and Blumenthal would not yield the present invention.

Moreover, at Col. 10, lines 40 – 44, Meyer teaches away from the present invention by instead teaching lower levels of acceleration to accommodate apparatus and methods that are not capable of high levels of torque (“This helps to reduce the slope of the acceleration and deceleration ramps to some manageable level by maximizing the ramp period. The benefit of this lies in the reduction of required torque to more reasonable levels.”). As such, for at least these reasons, Applicants submit that independent claims 1, 19, and 20 are patentable under 35 U.S.C. § 103 over Meyer in view of Blumenthal. In addition, claims 8, 11 – 13 and 17, which all eventually depend from claim 1, and claims 22, 23, 26 and 27, which all eventually depend from claim 19, are all also similarly patentable over Meyer in view of Blumenthal. Based on the foregoing, Applicants respectfully request that the rejection under 35 U.S.C. §103(a) be withdrawn.

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Prior Art Made Of Record

Applicants have reviewed the references cited by the Examiner but not relied upon in rejecting the claims. However, Applicants assert the cited references fail to teach or suggest the inventions recited in the rejected claims. Accordingly, the pending claims are patentable over such references.

Information Disclosure Statements

The Examiner's attention is drawn to the Supplemental Information Disclosure Statements that were submitted on October 10, 2002 and September 2, 2003. The Examiner is requested to make of record receipt and review of the documents listed therein.

In conclusion, and in view of the above amendments and remarks, reexamination, reconsideration and withdrawal of the rejections of claims 1-8, 11-13, 15-17, 19, 20, 22, 23, and 25-28 under 35 U.S.C. §§ 112, 102, and 103 are respectfully requested. Moreover, it is respectfully submitted that all of the presently presented claims are in condition for allowance and such action is earnestly solicited. If the Examiner has any questions or if there are any remaining issues that can be handled by telephone, the Examiner is invited to contact the undersigned at (920) 721-3862.

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Respectfully submitted,
JAMES B. STOPHER ET AL.

By: 
John L. Brodersen
Registration No.: 51,236
Attorney for Applicant

CERTIFICATE OF FACSIMILE TRANSMISSION

I, Barbara D. Miller, hereby certify that on December 11, 2003 this document is being sent by facsimile transmission addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA to facsimile number (703) 872-9306.

By: 
Barbara D. Miller